

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: : **CHAPTER 13**
HAROLD EUGENE CLARK, SR :
aka Harold Eugene Clark : **CASE NO. 1:17-bk-02060**
JACKQYLN DALE CLARK, :
Debtors :
JACKQYLN DALE CLARK, :
Movants : **OBJECTION TO CLAIM # 3**
v. :
SANTANDER CONSUMER USA, INC.,
Respondent/Claimant

OBJECTION TO PROOF OF CLAIM #3

COME NOW the Debtors, by and through attorney Dorothy L. Mott, Esquire and make this Objection to Creditor's claim filed in the above-captioned bankruptcy proceeding, stating in support thereof as follows:

1. The Debtors filed a Chapter 13 bankruptcy proceeding on 5/18/2017.
2. The Respondent, SANTANDER CONSUMER USA, INC., filed a proof of claim as a partly secured and a partly unsecured claim on or about June 14, 2017 in the amounts of \$3,075.00 and \$2,383.84 respectively.
3. The automobile loan obtained by the Debtor for the purchase of a 1999 Lincoln that is the subject of the proof of claim was incurred on February 20, 2007.
4. 75 Pa.C.S. Section 1138 provides as follows (emphasis added)..

§ 1138. Duration of perfection.

(a) General rule.--Perfection of a security interest is effective for a period of 30 years in the case of a mobile home or emergency vehicle, eight years in the case of a truck tractor or trailer weighing in excess of 10,000 pounds and **six years** in all other cases, in each case dating from the time of perfection as provided for in this subchapter and subject to renewal as provided in subsection (b).

(b) Renewal.--The effectiveness of perfection lapses on the expiration of the periods specified in subsection (a) unless a renewal form is filed within the six months immediately preceding expiration. Upon the timely filing of a renewal form, the effectiveness of perfection continues for a period of three years, commencing on the date on which perfection would have lapsed in the absence of the filing. Perfection may be renewed for as many three-year periods as may be necessary by the holder of the security interest upon a form furnished by the department, signed by the secured party and accompanied by the fee provided in this title.

(c) Corrected certificate when perfection expires.--A corrected certificate of title without a statement of liens or encumbrances shall be issued by the department, upon the request of the owner, when perfection of the security interests recorded on the certificate of title have expired. (July 10, 1984, P.L.679, No.146, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; June 8, 2001, P.L.123, No.18, eff. July 1, 2001; June 22, 2001, P.L.411, No.33, eff. 120 days)

5. The lien held by Santander expired on approximately February 20, 2013 and the obligation is no longer a claim secured by collateral of the Debtors.

6. The Debtors own the 1999 Lincoln free and clear of any encumbrances.

WHEREFORE, the Debtors hereby request that this Honorable Court enter an order disallowing and dismissing the claim.

Respectfully submitted,

/s/ Dorothy L. Mott

Dorothy L. Mott, Esquire
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LOCAL BANKRUPTCY FORM 3007-1
IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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SANTANDER CONSUMER USA, INC.,	
Respondent/Claimant	

TO:SANTANDER CONSUMER USA ("Claimant")

NOTICE OF OBJECTION TO CLAIM AND HEARING DATE Harold Eugene Clark, Strand Jackqyln Dale Clark have filed an objection to the proof of claim you filed in this bankruptcy case. Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one. If you do not want the court to eliminate or change your claim, you or your lawyer must attend the hearing on the objection, scheduled to be held:

United States Bankruptcy Court Ronald Reagan Federal Building, Bankruptcy Courtroom (3rd Floor), Third & Walnut Streets PO Box 908 Harrisburg, PA 17108	Date: September 13, 2017 Time: 9:40 A.M.
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If you or your attorney do not attend the hearing on the objection, the court may decide that you do not oppose the objection to your claim. Attorney for Objector

/s/ Dorothy L. Mott
Dorothy L. Mott Law Office, LLC
125 State Street, Harrisburg PA 17101
717. 232.6650 Tel
717.232.0476 Fax
doriemott@aol.com
Attorney ID No. 43568

Date of Notice: August 3, 2017

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on August 3, 2017, I served a copy of the foregoing document(s) electronically or by placing the same in the United States Mail, First Class, postage pre-paid, addressed as follows on the following parties:

Name and Address	Mode of Service
CHARLES J DEHART, III ESQUIRE 8125 ADAMS DRIVE SUITE A HUMMELSTOWN PA 17036 dehartstaff@pamd13trustee.com	Electronically
SANTANDER CONSUMER USA INC BANKRUPTCY DEPARTMENT PO BOX 961245 FORT WORTH, TX 76161-1245	First Class Mail, Postage Prepaid

I certify under penalty of perjury that the foregoing is true and correct.
Date: 08/03/2017

/s/Dorothy L Mott

Dorothy L Mott, Esquire
Atty ID #43568
Dorothy L. Mott Law Office, LLC
125 State Street
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(717) 232-6650 TEL
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Respondent/Claimant	:	
	:	
	:	

O R D E R

UPON CONSIDERATION of the Objection to Proof of Claim filed by the Debtors, it is hereby

ORDERED that the claim of the Respondent is disallowed and dismissed